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REMARKS

By the present Amendment, Applicants have amended claims 1, 8, and 10, and canceled claims 2, 9, and 11. Claims 1 and 10 have been amended to limit the size range of the polymer to not greater than 60 kDa. Claim 8 has been amended to define the angiogenic disease a solid tumor (claim 9), a lymphoma, a leukaemia (paragraph 29), diabetic retinopathy and macular degeneration (paragraph 07). Support for these amendments can be found throughout the application. No new matter has been added by virtue of these amendments and entry is respectfully requested.

Claims 2 and 11 were rejected for informalities which have been obviated by the amendments to claims 1 and 10.

Claims 1, 8, and 10 were rejected under 35 USC § 102(b) as being anticipated by Yasukawa et al. Yasukawa teaches using a PVA polymer having a molecular weight of 220 kDa. Applicants have amended claim 1 and 10 to limit the size range of the polymer to not greater than 60 kDa. Claim 8 has been amended to incorporate the limitation of canceled claim 9 which the Examiner had noted would be allowable. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Claims 1-3, 8 and 10 were rejected under 35 USC § 103(a) as being unpatentable over Yasukawa et al. Applicants respectfully disagree. As noted above, Yasukawa teaches using a polymer having a molecular weight of 220 kDa that are not degradable. The teaching of Yasukawa would not motivate the skilled artisan to use polymers of varying molecular weights and especially not polymers having a molecular weight not greater than 60 kDa. In fact, Yasukawa teaches the direct opposite. Yasukawa teaches "that passive targeting of anti-tumor drugs to a tumor site can be achieved by increasing their apparent molecular size." (Yasukawa, page 2695, first column) To support this teaching, Yasukawa cites Marukami et al., *Drug Delivery*, 4: 23-31 (1997) which we have enclosed for Examiner's convenience (Attachment A). Marukami, through Yasukawa, teaches that "tumor accumulation of PEG depended on molecular weight" and that "maximal accumulation of PEG was observed at a PEG molecular weight around 200,000" (Marukami, page 27, col 2, paragraph 2). Marukami in general, and Figures 5 and 6 within, in particular, clearly teach that accumulation increases dramatically for the polymer molecular weights from greater than 100 kDa up to around 200 kDa. Accordingly, Applicants respectfully submit that the use of a polymer having a molecular weight not greater than 60 kDa would not be obvious in light of the cited reference. Therefore, the use of a polymer having a molecular weight not greater than 60 kDa would not be obvious in light of the cited reference. Applicants respectfully request that the rejection be withdrawn.

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In the event that there are any questions relating to this Amendment or to the application in general, it is kindly requested that the Examiner contact the undersigned attorney concerning the same to expedite prosecution of this application.


Entry of the foregoing and prompt and favourable consideration of the subject application on the merits are respectfully requested.

The Commissioner is authorized to charge fee deficiencies or credit overpayments associated with this submission to the NIXON PEABODY LLP Deposit Account No. 50-0850.

Date: February 22, 2007

Customer No. 50828

Respectfully submitted,



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